

PUBLIC NOTICE

APPLICATION FOR PERMIT

**US Army Corps
of Engineers®**

Public Notice/Application No.: 2002-00844-RWF

Comment Period: December 31, 2003 through January 30, 2004

Applicant

Stardust Development, Inc.
ATTN: Mr. Robert C. Speirs
6730 North Scottsdale Road Suite 230
Scottsdale, Arizona 85253-4416
(480) 607-5800

AGENT

EcoPlan Associates, Inc.
ATTN: Michele Waltz
701 West Southern, Suite 203
Mesa, Arizona 85202
(480) 733-6666

Location

On the proposed Tartesso West master-planned development in unnamed ephemeral washes that are tributary to the Hassayampa River at (Sections 11, 12, 13, 14, 24, 25, and 35, T2N, R5W and Sections 18, 19, 20, 29, 30, and 31, T2N, R4W), the Town of Buckeye, Maricopa County, Arizona. The proposed project area is situated north of McDowell Road, south of Glendale Avenue, east of the Hassayampa River and west of Sun Valley Parkway.

Activity

To impact approximately 19.23 acres of Section 404 (Clean Water Act) jurisdictional area in unnamed ephemeral washes for the construction of the proposed 5,124-acre Tartesso West master-planned community. For more information, see page 3 of this notice and attached drawings.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit application will be issued or denied under Section 404 of the Clean Water Act (33 U.S.C. 1344).

Comments can be e-mailed to ronald.w.fowler@usace.army.mil or mailed to:

U. S. Army Corps of Engineers
ATTENTION: Regulatory Branch (2002-00844-RWF)
3636 North Central Avenue, Suite 900
Phoenix, Arizona 85012-1939

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

Water Quality- The applicant will be required to obtain water quality certification, under Section 401 of the Clean Water Act, from the Arizona Department of Environmental Quality. For any proposed activity on land other than Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the Arizona Department of Environmental Quality. Section 401 of the Clean Water Act requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers.

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and this site is not listed. The proposed project area has also been subject to survey for the presence of historic and prehistoric cultural resources. The report generated as a result of the surveys documents 304 isolated occurrences and 14 historic sites, of which 5 were recommended as potentially eligible for listing in the National Register of Historic Places. The Corps of Engineers has not made a determination in regard to the conclusions contained in the report. The Corps of Engineers will consult with the State Historic Preservation Office as necessary in regard to the eligibility determinations and project impacts to these properties. This review constitutes the extent of cultural resources investigations by the District Engineer.

Endangered Species- Preliminary determinations indicate that the proposed activity would not affect federally-listed endangered or threatened species, or their critical habitat. Therefore, formal consultation under Section 7 of the Endangered Species Act does not appear to be required at this time.

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

The purpose of the proposed project is to construct a master-planned community in the west Phoenix metropolitan area. The applicant is proposing to impact approximately 19.23 acres of ephemeral washes to accomplish the project purpose. Of the 19.23 acres of expected project impacts, 7.84 acres will result from the construction of pad fill; 9.04 acres of impacts will result from the construction of road crossings; 0.11 acres will result from the construction of utility systems; and 2.24 acres of impacts will result from bank stabilization/erosion protection, construction of drainage improvements.

The applicant has indicated that while detailed plans are only available for the first unit of construction, land use projections are available for the entire site. The applicant's current designs show that 52% of the proposed project will be medium density residential, with the remaining residential use ranging from high to low density totaling an additional 17%. Commercial and mixed use is expected to occupy 7% of the project area, and open spaces (i.e. parks, utility corridors, landscaped tracts, and 50% of the land to be designated as school sites) total 21%. Ten elementary and one high school are conceptually shown in the Community Master Plan

Additional Project Information

There have been approximately 54.39 acres of ephemeral washes delineated within the boundaries of the proposed project. The proposed project area contains no wetlands, intermittent, perennial streams, stock tanks or other surface water sources.

The proposed project area is located in the Hassayampa River valley on the valley slopes and lower portion of the bajada that extends south and west of the White Tank Mountains. Elevation of the proposed project area ranges from approximately 1,100 feet to 1,260 feet above mean sea level. Topography over most of the project area is gently sloping, with shallowly incised ephemeral drainages. The majority of the ephemeral washes within the proposed project area originate in the White Tank Mountains conveying flows across the project site and ultimately into the Buckeye Flood Retention Structure No. 2.

The vegetation within the proposed project area is characterized as Lower Colorado River Valley Sonoran Desertscrub: Creosote-Bursage Series. Creosote (*Larrea tridentate*) is the dominant perennial species in the upland portion of the project area. Vegetation observed along the ephemeral washes is characterized as Mixed Scrub Series, dominated by blue palo verde (*Cercidium floridum*) creosote, and thornbush (*Lycium andersonii*).

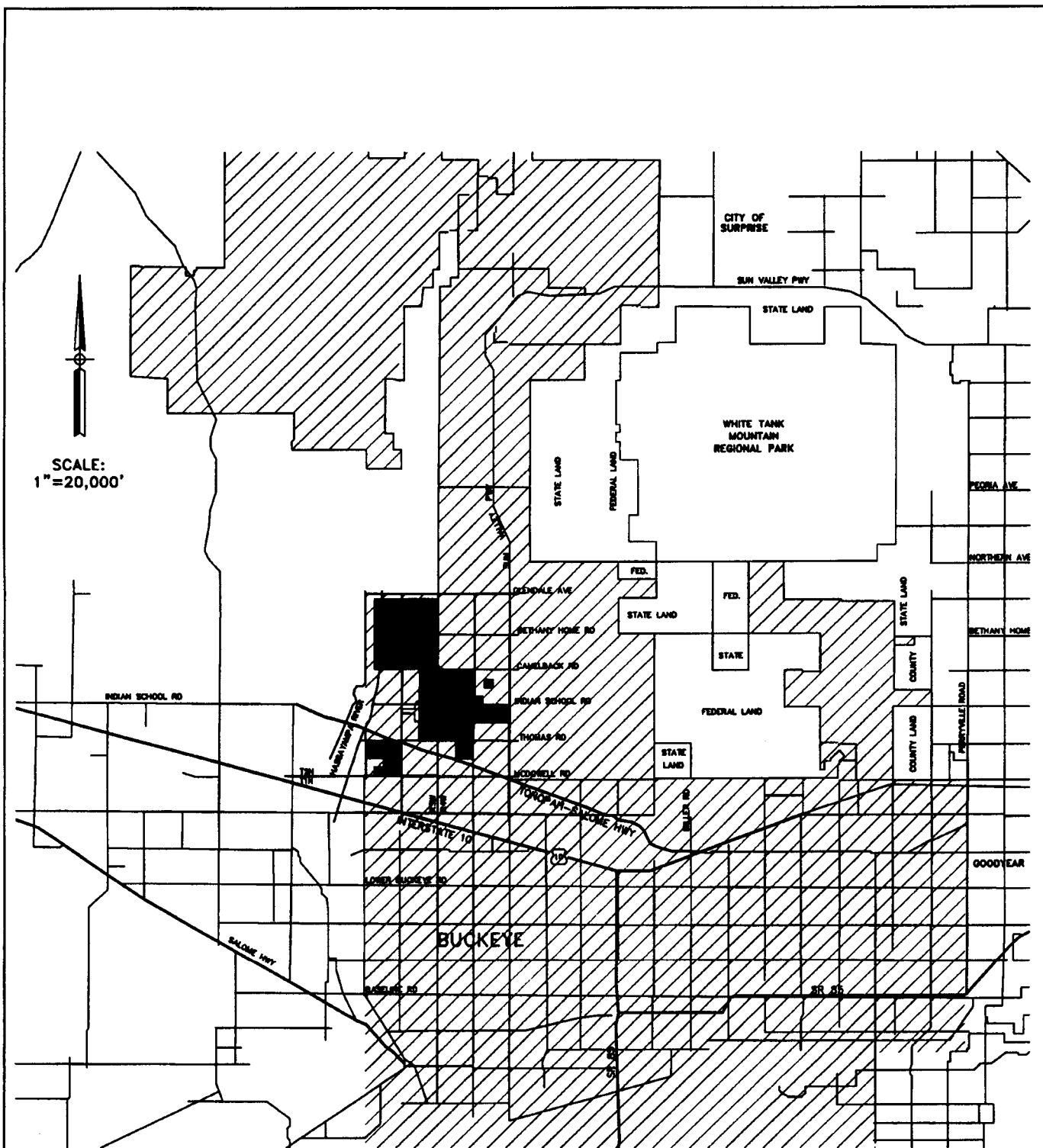
Ground water will be the source of water for domestic uses, and a regional wastewater treatment plant will be constructed at the south end of Unit 5.

The applicant has indicated that the build-out of the entire development is expected to occur over approximately 15 years.

Proposed Special Conditions

None at this time. The applicant is proposing to mitigate the 19.23 acres of impacts to the ephemeral washes within the proposed Tartesso West master-planned community by planting native trees and shrubs in 9 acres of off-line detention basins that will be constructed adjacent to wash areas. Each designated detention basin will be surrounded by a deed restricted vegetated buffer that will extend into the adjacent wash corridor. The mitigation proposal includes an additional 18 acres of vegetated buffer will provide a natural separation between the drainages and developed land. As proposed, the applicant intends to perform periodic maintenance within detention basins (i.e. clearing of debris from outlet pipes or structures, dredging of accumulated sediments from the basin bottom, and removal of invasive plant species).

For additional information please call Ron Fowler at (602) 640-5385 x 226. This public notice is issued by the Chief, Regulatory Branch.



**REGIONAL
LOCATION MAP**



BUCKEYE TOWN LIMITS

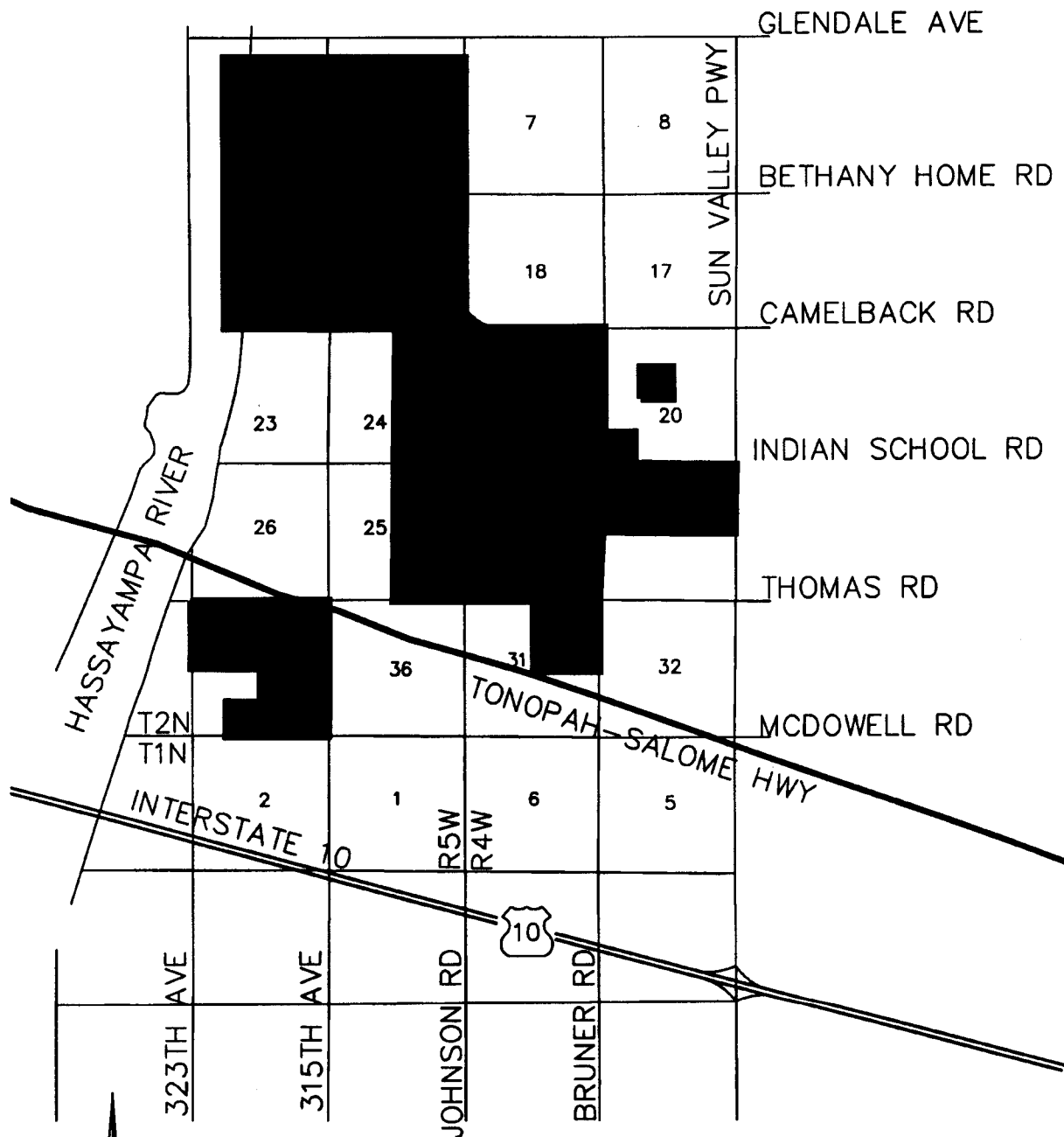
NOTE:
LIMITS FOR TOWN OF
BUCKEYE STRIP
ANNEXATION BOUNDARY
ARE APPROXIMATE.



**DAVID EVANS
AND ASSOCIATES, INC.**
2141 East Highland Avenue, Suite 200
Phoenix, Arizona 85016
Phone: 602.678.5151

**TARTESSO WEST
BUCKEYE, MARICOPA CO., ARIZONA
STARDUST DEVELOPMENT, INC
CORPS FILE NO. 2002-00844-RWF**

DATE: 08/21/03 DRAWN BY: SEW
JOB NO.: STAR000-0112



**PROJECT
SITE MAP**

SCALE: 1"=6,000'



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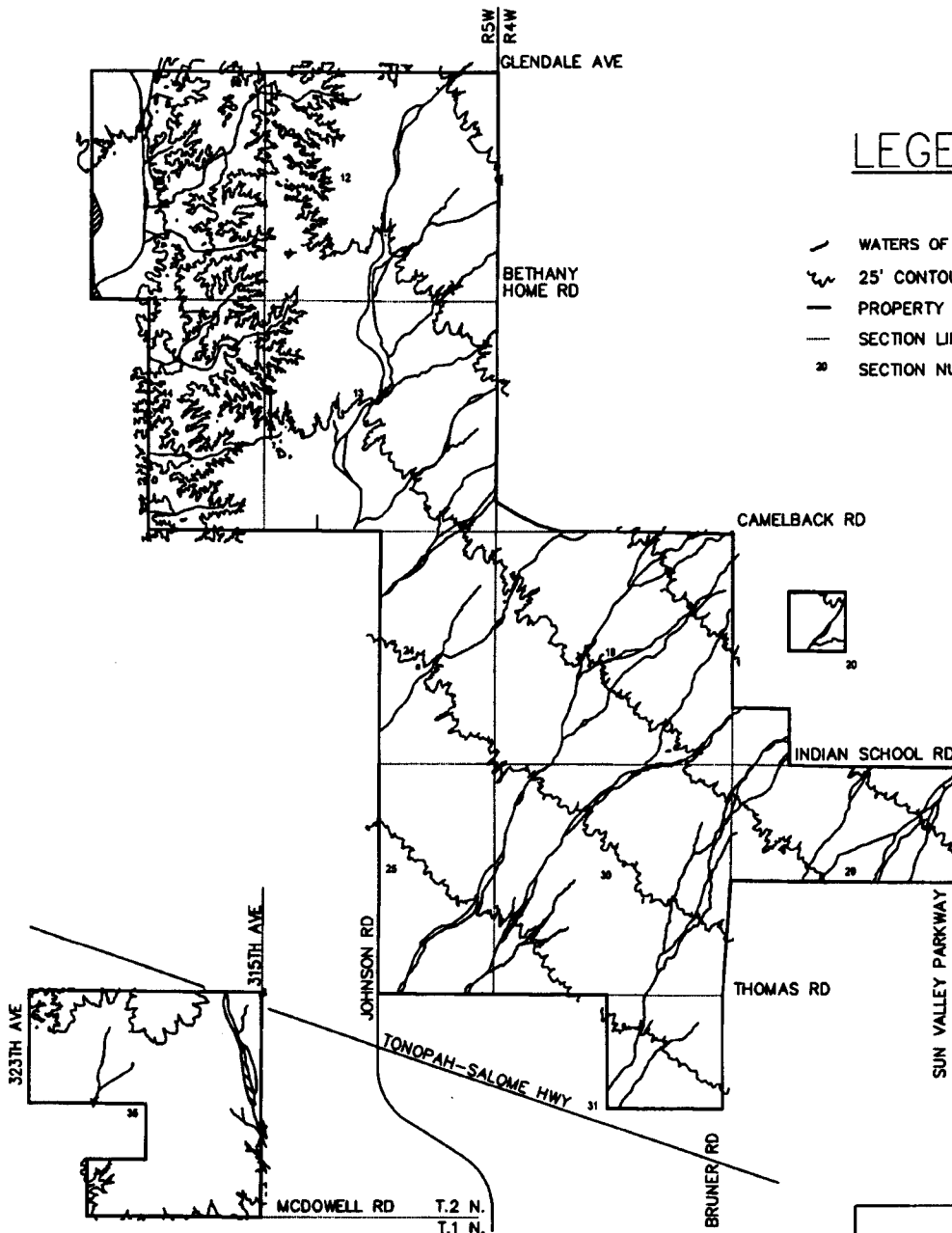
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SCALE: 1"=4000'

LEGEND

- WATERS OF THE U.S.
- ~ 25' CONTOUR LINES
- PROPERTY BOUNDARY
- SECTION LINES
- 20 SECTION NUMBERS



**U.S. ARMY CORPS OF ENGINEERS SECTION 404
APPROVED WATERS OF THE U.S. DELINEATION
WITH 25' CONTOURS**



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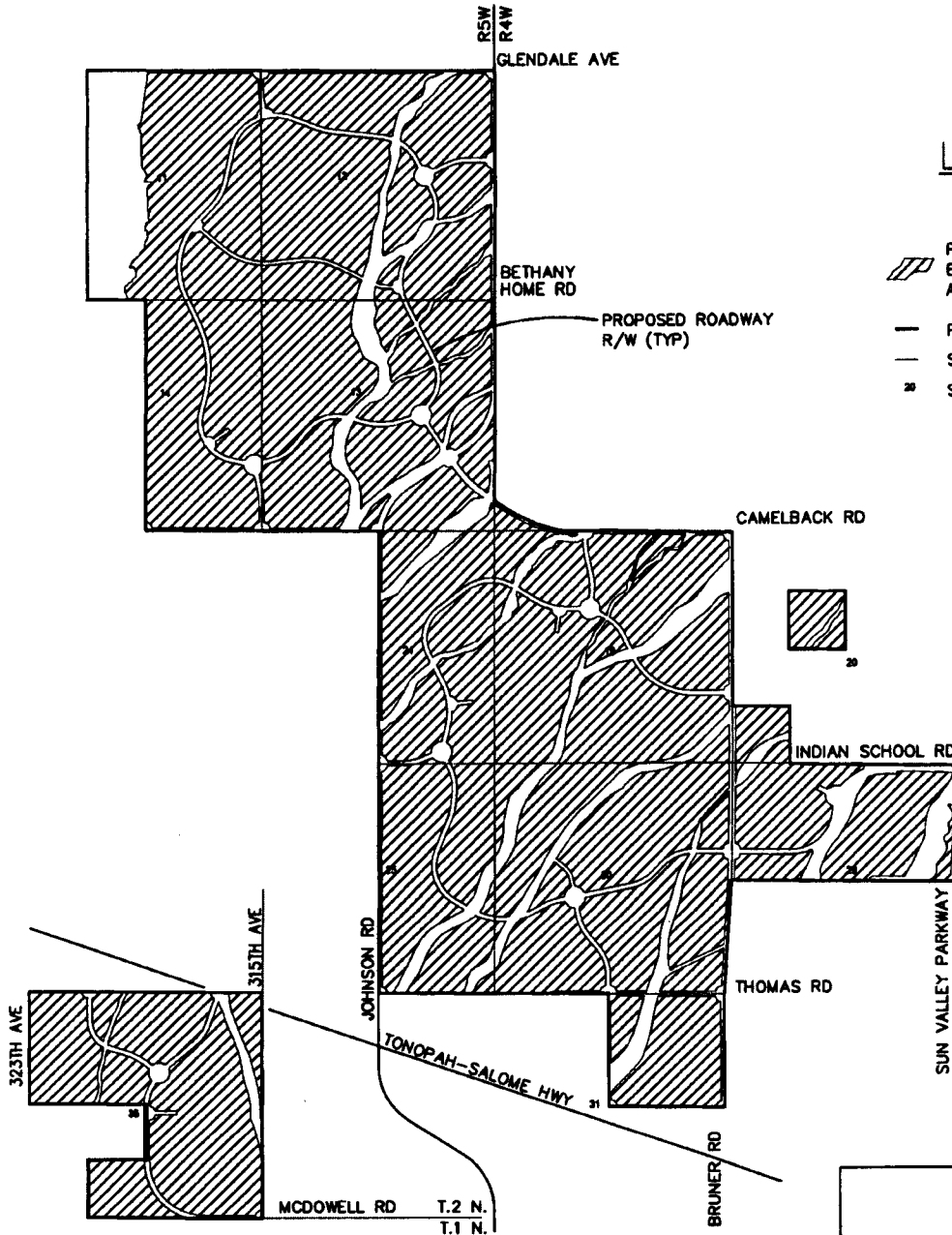
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SCALE: 1"=4000'

LEGEND

-  PROPOSED DEVELOPMENT AREAS, EXCLUSIVE OF DRAINAGE AREAS AND CROSSING AREAS
-  PROPERTY BOUNDARY
-  SECTION LINES
-  SECTION NUMBERS



PROPOSED DEVELOPMENT AREAS



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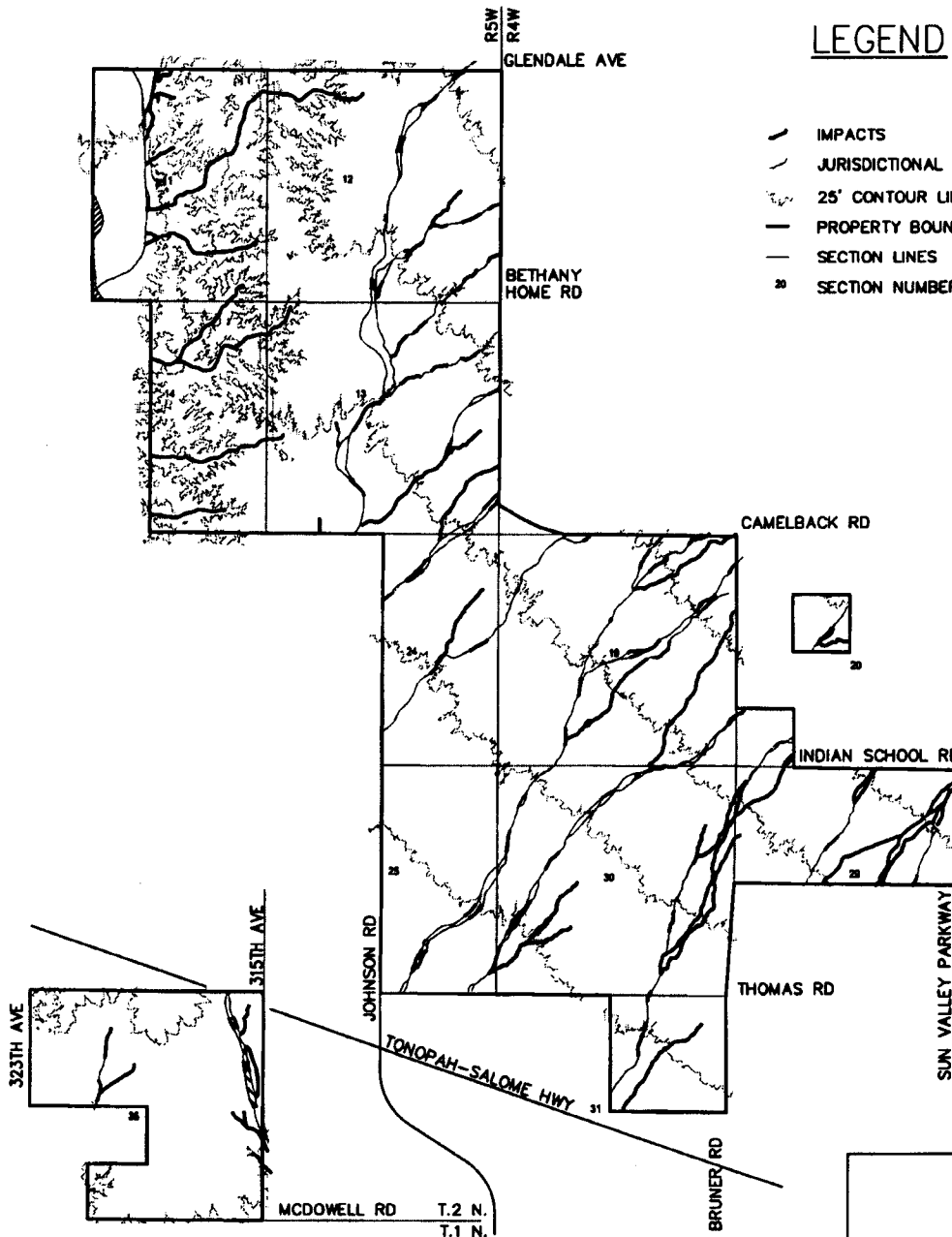
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SCALE: 1"=4000'

LEGEND

- IMPACTS
- JURISDICTIONAL WATERS
- 25' CONTOUR LINES
- PROPERTY BOUNDARY
- SECTION LINES
- SECTION NUMBERS



**U.S. ARMY CORPS OF ENGINEERS SECTION 404
PROPOSED IMPACT AREAS
WITH 25' CONTOURS**



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**TARTESSO WEST
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